Attorney Docket No.: 13 90

09/935,935 Customer No. 22444

RECEIVED

APR 1 6 2003

#17 Elution 4/8 B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

David B. Whitten, et al.

Hial No.:

09/935,935

Filing Date:

August 23, 2001

Examiner:

Tran, Khoi H.

Group Art Unit:

Commissioner for Patents

Washington, D.C. 20231

3651

Title:

METHOD AND SYSTEM FOR ACCOMPLISHING PRODUCT

DETECTION

Certification Under 37 C.F.R. 1.8

Date of Mailing: April 7, 2003

I hereby certify that I have caused the documents indicated herein to be deposited with the United States Postal Service to Addressee under 37 CFR § 1.8 on the date indicated above and addressed to Commissioner for Patents, Washington, D.C. 20231 and mailed on the above Date of Mailing.

Rebecce I Morrison

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Dear Sir:

Applicants hereby respond to the Office Action mailed March 6, 2003. This Response in made within the shortened statutory period and, therefore, no additional fee is required.

Applicants appreciate the time and effort by the Examiner in reviewing this application. In the Action, the Examiner alleges that the application contains claims directed to two (2) inventions. Restriction to one of the following inventions is required under 35 U.S.C. 121: (1) Claims 2-15, 34, 36, 37 and 44 are drawn to a vending system, classified in class 221, subclass 2, or class 700, subclass 231; and (2) Claims 16-29, 35, and 38-43 are drawn to a vending method for determining whether a product is delivered, classified in class 221, subclass 21, or class 700, subclass 244. By the Action, Applicants are required under 35 U.S.C. 121 to elect a single disclosed species for prosecution.

Accordingly, Applicants hereby elect Claims 2-15, 34, 36, 37 and 44 and respectfully traverse the examiner's assertion that two inventions are present. Applicants reserve the right to file Divisional applications on the non-elected invention.

1

Attorney Docket No.: 135,3:90

09/935,935 Customer No. 22444

Applicants further elect Species II, the embodiment having the optical sensing arrangement per figure 7, and wherein the delivery of all products is prevented if a vending product is not detected. However, Applicants respectfully submit the optical sensing arrangement per figure 1, a flowchart, encompasses the optical sensing arrangement contemplated per figure 7.

It is believed no fee is due with this transmission, however, should a fee be determined due with this transmission, the Commissioner is authorized to debit Hughes & Luce LLP Deposit Account No. 50-1343.

Respectfully submitted,

Hughes & Luce LLP

Robert A. McLauchlan

Reg. No. 44,924

ATTORNEY FOR APPLICANTS

Dated: April 7, 2003

1717 Main Street, Suite 2800

Dallas, Texas 75201 Tel: (512) 482-6869 Fax: (512) 482-6859